

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHWESTERN DIVISION**

UNITED STATES OF AMERICA,)
)
)
Plaintiff,)
)
)
v.) **Case No. 21-05008-01-CR-SW-MDH**
KENNETH R. HUBERT,)
)
)
Defendant.)
)
)

ORDER

After the United States moved for pretrial detention, a hearing was held in this matter pursuant to 18 U.S.C. § 3142(f). The defendant was present personally and with his counsel David Mercer, Assistant Federal Public Defender. The United States was represented by Casey Clark, Assistant United States Attorney.

The Grand Jury has found probable cause to believe that the offenses charged were committed by this defendant. Based on the evidence presented at the hearing, there are no conditions that the Court can impose that would reasonably assure the safety of other persons or the community.

The factors to be considered by the Court in determining whether the defendant should be detained pending trial are enumerated in section 3142(g). The evidence at the detention hearing established that the weight of the evidence against the defendant is overwhelming.

Regarding potential danger to the community, the Court notes the nature of the instant offense and defendant's pattern of similar activity. The evidence at the detention hearing established that defendant has a history of making threatening or harassing statements. In 2014, defendant was investigated in relation to voicemail messages he left for United States District Judge Brian Morris in the District of Montana.

In 2016, the defendant made several phone calls to the Council on American-Islamic Relations (CAIR) in St. Louis, Missouri, in which he made threatening and disparaging comments. When contacted by the F.B.I. concerning the phone calls, the defendant admitted to making the call and stated the point of the call was to make them worried. He further stated that he would obey the laws he felt like obeying.

On January 6, 2021, defendant left two voicemail messages with the Missouri Democratic Party in which he made threatening comments. When confronted by law enforcement concerning the calls, defendant initially denied making the calls. He subsequently admitted to making the calls. The following day the defendant made threatening calls to Representative Emmanuel Cleaver II of the United States House of Representatives which gave rise to Count One of the indictment.

The defendant has demonstrated a disturbing pattern of threatening conduct which has recently escalated. He has been defiant of law enforcement and stated he will obey the laws he wants to obey. The Court notes safety concerns for the community.

Based on all the foregoing, the Court finds by clear and convincing evidence that the defendant is a danger to the community.

IT IS THEREFORE ORDERED that the defendant be, and is hereby detained without bail.

IT IS FURTHER ORDERED that the defendant be committed to the custody of the Attorney General or his designated representative for confinement in a correction facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States, or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

IT IS SO ORDERED.

DATED: March 15, 2021

/s/ David P. Rush
DAVID P. RUSH
United States Magistrate Judge